

REMARKS

The Applicant thanks the Examiner for his examination of the subject application thus far. The Applicant submits that the claims, as previously amended, are patentable over the cited prior art for the following reasons:

***Claim amendments***

Claim 10 has been amended to strike out an extra comma. No new subject matter has been added by this amendment.

***Reply to Examiner's response to arguments***

In response to the Applicant's previous remarks, the Examiner set out a number of response (pages 8-10 of the Detailed Action dated January 7, 2009).

The Applicant agrees that attacking prior art references individually, only, is insufficient to overcome obviousness based on a combination of those references. To clarify, the Applicant in its previous response was not attacking each reference individually only; the Applicant had explained that *none* of the references disclosed the claimed limitations of the pending claims. If none of the references individual discloses a claimed limitation, it follows that the combination will also fail to disclose that limitation.

Further to the remarks in the response of September 9, 2008, the Applicant would like to clarify how the *combination* of cited references fails to render the currently pending claims obvious.

***Combining Keyworth and Schmidt results in an unsatisfactory change***

It would not have been obvious to a skilled worker to combine the teachings of Keyworth with those of Schmidt, because they are directed to different and incompatible solutions. Schmidt focuses on message type and handles messages accordingly, whereas Keyworth is directed to message handling that is sender ("VIP")-centric. The teachings of these references cannot be combined without destroying the functionality of Keyworth.

Schmidt is directed to a system in which the user may view all messages, or else view messages by message type: the “interface for the UMS server permits the user to display only messages of a particular type and in a particular order” (col. 2, lines 51-53)... “has control buttons: All-inbox 502, E-Mail 504, Fax 506, and Voice Mail 508 that permit a user to display messages of all types or messages of only one type corresponding to the selected button.” (col. 6, lines 21-25).

In Schmidt, the UMS server sorts newly received messages by message type:

... USM server 340 determines whether the message is a voice mail message. If the message is a voice mail message, then UMS server 340 assigns the new message a voice mail type identifier (step 914). Next, UMS server asks whether the message is a text message... In the next step, UMS server 340 assigns the new message a facsimile type identifier because the message is found to be neither of a voice mail type message nor an electronic mail type of message (step 920). (col. 6, line 58 to col. 7, line 3)

The UMS server provides the user with the option of viewing all messages according to type:

After the user is logged in UMS server 340 displays all messages intended for that user, as a default view for that particular user (step 922). UMS server 340 then determines whether the user has selected the E-Mail 504 button... If the user has not selected the E-Mail button, then UMS server 340 determines whether the user has selected Fax 506 button... If the user has not selected the Fax button, then UMS server 340 determines whether the user has selected the Voice Mail 508 button... Of course, one skilled in the art would recognize that UMS server 340 continuously monitors and responds to the activity of a user, such that whenever a user selects any one of the buttons the UMS server switches the display in accordance with that button selection. (col. 7, lines 31-50)

Keyworth, on the other hand, handles messages on a message sender-centric basis. An object of Keyworth is “to provide a communications user interface system... that provides the ability to designate communications to and from a select group of individuals for special treatment” (col. 2, lines 29-33).

To this end, Keyworth provides a display of a “gallery of icons, with each icon representative of a member of a select group of individuals” (col. 2, lines 45-46). The user is able to access functions such as “display 33 for editing communications parameters for a member of the VIP gallery; display 34 for reading or listening to messages from a member of the VIP gallery; display 35 for reading or listening to messages sent to a member of the VIP gallery; and display 36 for adding a member to the VIP gallery” (col. 4, lines 31-37). As shown in Figures 15 to 19, the system in Keyworth is directed to determining whether to store a message in a “VIP mailbox” upon receipt.

Combining the teachings of Schmidt with its focus on message type with Keyworth would destroy the functionality of Keyworth. The skilled worker could not implement the message-receipt methodology of Keyworth, which sorts messages by VIP status, with the methodology of Schmidt; these methods conflict, and providing the sender-centric methods of Keyworth in the system of Schmidt would render Schmidt unsatisfactory for the purpose of sorting received messages by type, as described above. Conversely, providing the message type-centric methods of Schmidt in Keyworth’s system would render Keyworth unsatisfactory for its intended object, quoted above. If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)

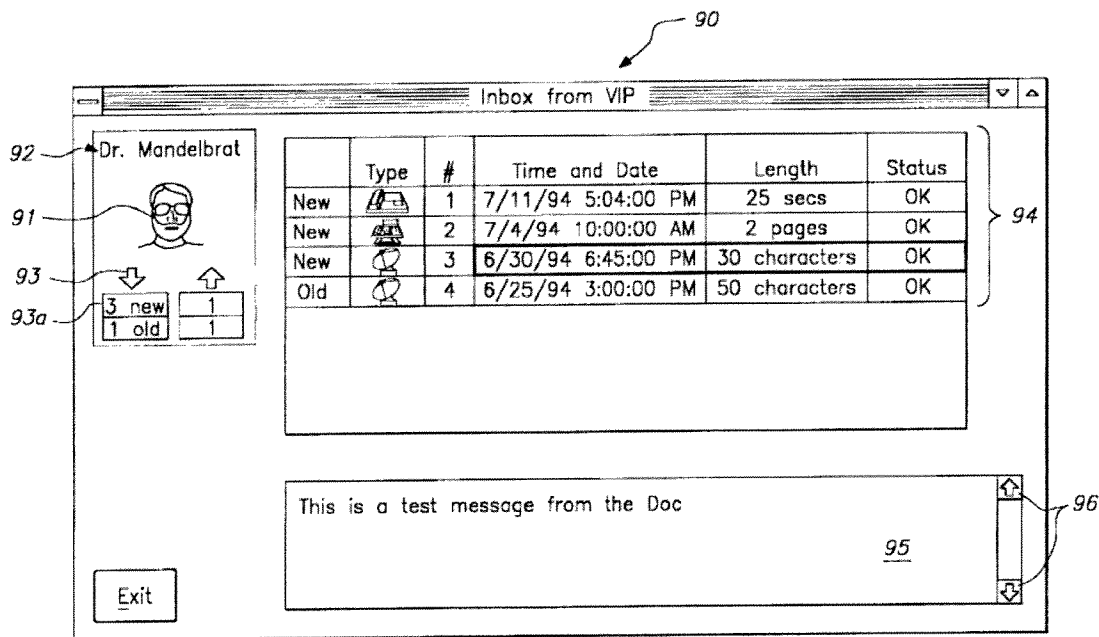
*Combining the prior art references does not result in the claimed subject matter*

With reference to claim 10, none of the cited references, either alone *or* in combination, discloses “updating the single view display comprising an ordered list, by the collating application updating the ordered list using message body fragments derived from the continually selected messages”. A “single view display”, as recited earlier in the claim, comprises “an ordered list of message body fragments from a plurality of heterogeneous messages”. The “continually selected messages”, as recited earlier in the claim, are from “messages as they are received and stored by each of the communication channels”.

Even if, for the purpose of argument, this portion of the claim were read without the limitation of “message body fragments”, none of the references alone or in combination disclose “updating

the single view display comprising an ordered list [from a plurality of heterogeneous messages] from the continually selected messages". None of the prior art references discloses this "continually selecting" or the "updating" step referenced above.

Combining these references does not result in the claimed subject matter. For example, combining the teachings of Keyworth and DeCarmo does not result in the claimed subject matter. Consider, for example, Figure 6 of Keyworth:



**FIG. 6**

Information window 95 "displays the text of a message", and "the contents of the message will be displayed in information window 95 when the cursor is positioned upon and selects that message" (Keyworth, column 7, lines 22-28). Thus, unlike the limitations recited in the pending claims of this application, there is no "single view display" displaying "message body fragments". Only one message can ever be displayed by Keyworth at one time.

Combining the teachings of DeCarmo, which the Examiner has relied upon as disclosing the display of "parts of a message" (Detailed Action, page 4), with Keyworth does not result in the subject matter of the claims. DeCarmo only teaches the person skilled in the art that one message

may be displayed (DeCarmo, paragraph [0045]). Combining DeCarmo with Keyworth leaves the teachings of Keyworth essentially unchanged: Keyworth already discloses a single message at a time. Thus, the combination of Keyworth and DeCarmo fails to disclose the “single view display” or “updating the single view display” – recall that “single view” is a view “comprising an *ordered list of message body fragments*”, and not a “single message body fragment”.

Next, consider the addition of the teachings of Schmidt, which can be represented by Figure 5 of Schmidt:

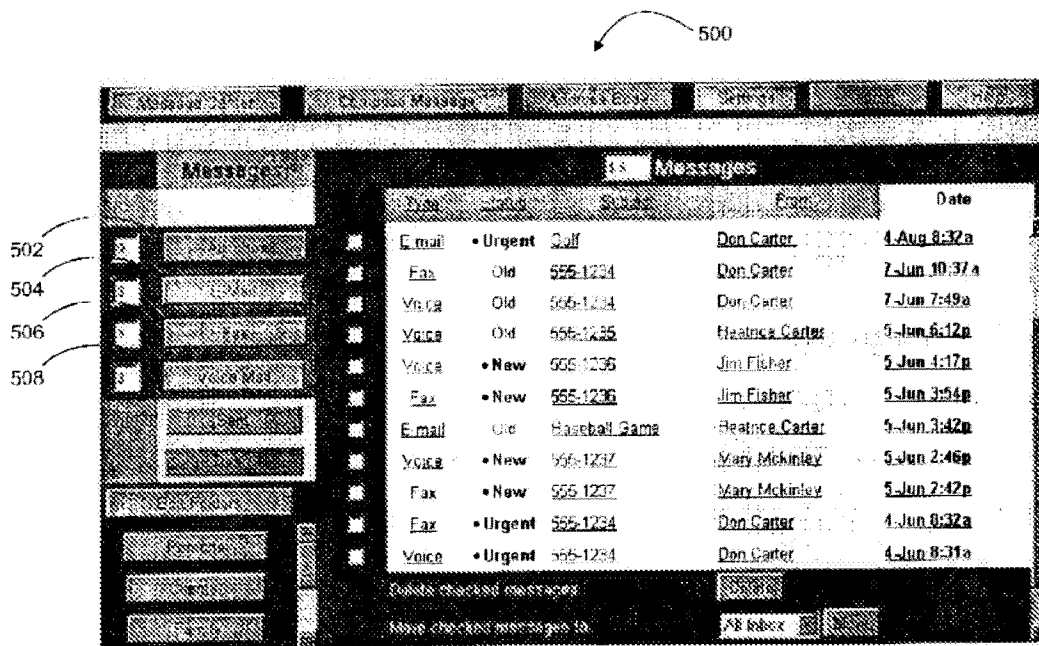


FIG. 5

It may be noted that there are similarities between this figure of Schmidt and Figure 6 of Keyworth, above: there is a display listing information but no “single view” as recited in the currently pending claims of this application, where “single view” is a view “comprising an *ordered list of message body fragments*” as recited in the claims.

In other words, combining the teachings of Schmidt with Keyworth and DeCarmo does not bring the skilled worker any closer to the subject matter of the pending claims. As noted in the

Applicant's previous response, Schmidt Jr. merely discloses a system for viewing messages that were previously stored (col. 5, ln 38-48). Schmidt Jr. does not disclose "*continually selecting, using the at least one collating criterion, messages as they are received* and stored by each of the communications channels while the collating application continues to display the single view at the user interface". Thus Schmidt, when combined with Keyworth and DeCarmo, leaves the teachings of Keyworth and DeCarmo essentially unchanged.

The foregoing remarks also apply to independent claim 1, and to all claims dependent on claims 1 and 10.

Thus, for the foregoing reasons, and for the reasons set out in the Applicant's previous responses, the Examiner's rejection of claims 1, 2, 5-8, 10, 11, and 14-17 under 35 U.S.C. 103(a) is traversed. It is respectfully submitted that the claimed subject matter is not obvious in view of the combination of Schmidt, Keyworth, and DeCarmo.

All the claim limitations must be taught or suggested by the prior art for a rejection on the basis of obviousness to be made out: *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

With regard to the remaining claim rejections, the Applicant reiterates the submissions made previously:

***The cited art does not disclose all of the features of claims 2 and 11***

Keyworth does not disclose "the specification of the at least one collating criterion". The section of Keyworth identified by the Examiner allows a user to identify a sender as being a "VIP". VIP designated senders are collected in a single display, as seen in Figure 3 of Keyworth. The designation of a sender as a "VIP" does not affect the collation and display of message body fragments as messaging applications receive and store messages.

***The cited art does not disclose all of the features of claims 7, 8, 16 and 17***

None of the cited art discloses "selection between alternative views for presenting the ordered listing of message body fragments associated with each of said retrieved messages", with respect to claims 7 and 16, or "displaying the messages in sub-lists under displayed headings, each

heading reflecting the communications channel on which the said retrieved messages in the associated sub-list were received by the communications device”, with respect to claims 8 and 17, inasmuch as none of the cited art discloses the “ordered listing of message body fragments”.

***Claims 3, 4, 12 and 13 are patentable over the cited art***

The Examiner rejected claims 3, 4, 12 and 13 under 35 U.S.C. 103(a) as being unpatentable by Schmidt, Keyworth, and DeCarmo in further view of Dong. The Applicant respectfully traverses this rejection.

*None* of these four references discloses a “collating application... for *dynamically retrieving* heterogeneous messages *stored* by a plurality of message applications” (emphasis added). Schmidt Jr. and Keyworth II are directed towards communications interfaces for *receiving* communications from communications applications (Schmidt col. 5, ln 37-49; Keyworth col. 4 ln 1-13, 30-41); it is only described that their interfaces *receive* the messages. DeCarmo is directed towards filtering instant messages. Dong is directed towards filtering display of email messages. None of the references disclose a plurality of message applications storing messages or “dynamically retrieving” the stored messages as recited in the pending claims.

Further, *none* of these four references disclose “an ordered list of message body fragments” as recited in the pending claims.

All claim limitations must be present in the prior art if an obviousness rejection is to be supported: *In re Royka, supra*. In addition, reasoned argument and evidence must be provided to show that there was a basis for combining features from the cited references: *In re Lee*, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002); without such a rationale underpinning, the implication is that the combination is premised on hindsight, which is impermissible: *KSR, supra*. Thus, for these reasons, the Applicants submit that no prima facie case of obviousness has been made out against these claims.

***Claims 9 and 18 are patentable over the cited art***

The Examiner rejected claims 9 and 18 under 35 U.S.C. 103(a) as being unpatentable over


Schmidt, Keyworth, DeCarmo and further in view of Schnarel. The Applicant respectfully traverses this rejection.

Schnarel fails to disclose “an ordered list of message body fragments” or “collating application... for dynamically retrieving heterogeneous messages stored by a plurality of message applications” as recited in the pending claims. Thus, for reasons similar to those set out above, the Applicants submit that these claims are patentable over the cited art.

### ***Conclusion***

In view of the submissions made above and the prior responses filed by the Applicant, the Applicant respectfully submits that the claims are in condition for allowance. None of the prior art, alone or in combination, discloses the subject matter of the pending claims, nor is the subject matter of the pending claims obvious in view of any combination of the cited prior art.

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